

7. Overview of Chesapeake Bay Provisions

(See zoning ordinance [§ 78-304.4](#), Chesapeake Bay Preservation Area Overlay District)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

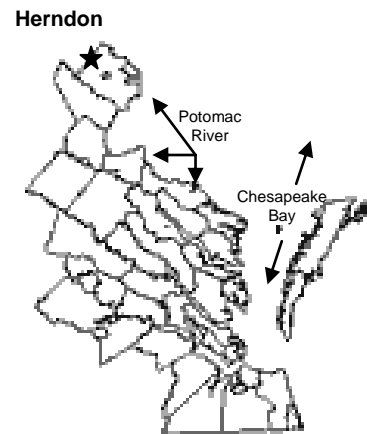
What does the Chesapeake Bay have to do with Herndon?

The Virginia General Assembly enacted the Chesapeake Bay Preservation Act in 1988, requiring Tidewater jurisdictions to use effective conservation planning and pollution prevention practices when using and developing environmentally sensitive lands. The Act expanded local government authority to manage water quality and established a more specific relationship between water quality protection and local land use decision-making.

Herndon is one of the Tidewater localities as defined by the Commonwealth. Each Tidewater locality was required to adopt, maintain and enforce a program based on the Chesapeake Bay Preservation Act and the resulting regulations adopted by Virginia's Chesapeake Bay Local Assistance Board. The regulations address non-point source pollution by identifying and protecting certain lands called Chesapeake Bay Preservation Areas (CBPAs). The lands that make up CBPAs are those that have the potential to impact water quality most directly. Generally, there are two types of land features: those that protect and benefit water quality - Resource Protection Areas (RPAs) and those that, without proper management, have the potential to damage water quality - Resource Management Areas (RMAs). In 1990, the town adopted regulations to comply with the Chesapeake Bay Preservation Act and the regulations of the Chesapeake Bay Local Assistance Board. Under the Town Council's action in 1990, all land in Herndon is an RMA, RPA or a special designation called an Intensely Developed Area (IDA).

How do the Chesapeake Bay regulations affect development in Herndon?

All land in the town is subject to [§ 78-304.4](#), *Chesapeake Bay Preservation Area Overlay District*. The most restrictive regulations apply to the RPAs. A person contemplating development on any property that includes or is near streams or wetlands (areas that are permanently



Tidewater, Virginia, as defined by the Virginia General Assembly

wet with special soil conditions and certain plant growth) should check to verify whether or not the property is zoned as an RPA by contacting the Herndon Department of Community Development. If the property is zoned as an RPA, development options may be limited and should be discussed with Town staff prior to proceeding with development plans.

Whether the development is in the RPA or the RMA, the development is likely subject to review through the submittal of a site plan, single lot development plan, or subdivision plan (see User Guide #5. *Site Plan Review Procedures*). If so, the plan must include

- ☐ Preservation of existing native plants;
- ☐ Use of pavement using grids, modules or other means to permit water to pass through it;
- ☐ Appropriate storm water management methods;
- ☐ Evidence of federal, state or local permits for disturbing wetlands, if applicable;
- ☐ A water quality assessment for land in the RPA, and sometimes in the RMA; and
- ☐ Detailed information as outlined in applicable paragraphs of [§ 78-304.4](#) and [§ 78-202.6](#).

For more detailed information, see User Guide #34: *Chesapeake Bay Provisions for Homeowners: Step by Step Approval Process for Single-Family Detached and Duplex Dwellings*.

Need more information?

Have a question regarding required permits, the permit process, or application requirements? Call 703-787-7380 or e-mail community.development@herndon-va.gov to make an appointment to see a member of the Department of Community Development.

Have a question regarding Building Permits or construction codes? Call 703-435-6850 or e-mail buildinginspections@herndon-va.gov to make an appointment to see the Building Official.

Visit the Planning/Zoning page on the Town's web site at www.herndon-va.gov to view the Department of Community Development web site for the Zoning Ordinance User Guide series or to access the town code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20170.

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